

A.K.W. SYSTEMS, INC.

CONTRACT NO. V630C-351

VABCA-5351

VA MEDICAL CENTER
NEW YORK, NEW YORK

Robert Rosenthal, Esq., M. Carl Levine, Morgulas & Foreman, P.C., New York, New York, for the Appellant.

Patrick J. LaMoure, Esq., Trial Attorney; *Charlma J. Quarles, Esq.*, Deputy Assistant General Counsel; and *Phillipa L. Anderson, Esq.*, Assistant General Counsel, Washington, D.C., for the Department of Veterans Affairs.

ORDER DISMISSING APPEAL WITHOUT PREJUDICE

1. The above-cited appeal was docketed on June 16, 1997 and effectively has been in suspense since the filing of pleadings. Efforts to bring this matter to resolution have been unsuccessful to date and the Board is unable to proceed in this appeal and has little assurance of when it may do so.
2. Given the foregoing, the Board issued an Order to Show Cause why the Appeal of A.K.W. Systems, Inc., VABCA-5351, should not be dismissed without prejudice pursuant to Rule 30.
3. The parties have responded with a joint Stipulation not opposing the dismissal provided that in the event either party moves to reinstate the appeal to the active docket within three years, the non-moving party shall not oppose the application.
4. Accordingly, the Appeal of A.K.W. Systems, Inc., VABCA-5351 is hereby Dismissed Without Prejudice pursuant to Rule 30.
5. Either party may move at any time within three years to reinstate this appeal to the active docket provided it simultaneously furnishes the Board a proposed schedule for bringing the matter to hearing within 120 days from date of motion.

It Is So Ordered

Date: **March 2, 1999**

Guy H. McMichael III
Chief Administrative Judge